

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BERNADEAN RITTMANN, *et al.*,

Plaintiffs,

v.

AMAZON.COM INC, *et al.*,

Defendants.

CASE NO. C16-1554 JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties' joint status report (Dkt. No. 235). The parties state they were unable to agree on a proposed schedule, so each side presents its own proposed schedule. (*Id.*)

First, the parties disagree over the timing for exchange of initial disclosures. Plaintiffs assert discovery should commence without delay, citing the length of time since the case was initiated. (*Id.* at 2.) Defendants argue it would be unfair to require disclosures before the operative complaint is filed because they need to know the identity of the Plaintiffs, their corresponding claims, and the supporting factual allegations before they can properly disclose. (*Id.* at 8.) However, this Court's previous Order limited the allegations and claims in the forthcoming consolidated amended complaint to those asserted in the existing complaints that

1 have already been filed. (Dkt. No. 234 at 3 n.1.) Thus, in the interest of efficiency and moving  
2 this case forward, the Court agrees with Plaintiffs that discovery should commence without  
3 delay.

4 Next, the parties disagree about the timing for filing of the amended consolidated  
5 complaint. The Court previously set deadlines for the complaint and any answer or Rule 12  
6 motion in its previous order. (*Id.* at 4.) Those deadlines will stand as previously stated.

7 The parties also disagree regarding the timing of both Defendants' proposed motion to  
8 compel arbitration and Plaintiffs' proposed motion for class certification. Plaintiffs argue these  
9 motions should be considered in conjunction with each other. (Dkt. No. 235 at 2–3.) Plaintiffs  
10 assert even if Defendants successfully compel arbitration for some plaintiffs, there are some  
11 claims and plaintiffs whose cases will remain. (*Id.* at 3.) Defendants counter that arbitration is a  
12 “threshold issue” that must be considered before the issue of class certification. (*Id.* at 7.)

13 In each of the cases cited by Defendants, the motion to compel arbitration applied to  
14 either the sole plaintiff or the only named plaintiffs in the case. (*See id.* at 7) (citing cases). The  
15 courts concluded that if the defendant were to prevail on the arbitration issue, there would be no  
16 more remaining plaintiffs to litigate the claims. (*Id.*) In contrast, as Plaintiff asserts, here there  
17 are plaintiffs whose claims will remain even if Defendant's motion to compel arbitration were  
18 successful. Therefore, the motion for class certification and motion to compel arbitration shall be  
19 considered in conjunction.<sup>1</sup>

20 Finally, Defendants request guidance regarding their anticipated motions to compel  
21 arbitration. The Court DIRECTS Defendants to submit an omnibus motion to compel, with an  
22 increased limit of 40 pages. Plaintiffs may also have 40 pages for their response brief.  
23 Defendants' reply brief shall be no more than 20 pages. Absent a stipulation otherwise, all

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24 <sup>1</sup> Defendants also argue Plaintiffs' proposed schedule would deprive them of the ability to  
25 adequately prepare an opposition to class certification. (Dkt. No. 235 at 8.) However, Defendants  
26 will have roughly three months from the filing of the amended consolidated complaint for  
discovery.

1 deadlines for response and reply briefs shall be in compliance with the local rules.

2 Finally, taking into consideration the arguments set forth by each side, the Court hereby  
3 ENTERS the following case scheduling dates:

4 Deadline for Exchange of Initial Disclosure: October 21, 2022.

5 Deadline to File Consolidated Complaint: November 14, 2022.

6 Deadline to Answer or File Rule 12 Motion: December 5, 2022.

7 Deadline for filing of Renewed Motion to Compel Arbitration: February 24, 2023.

8 Deadline for filing of Class Certification Motion: February 24, 2023

9 Deadline for Completion of Fact & Expert Discovery: 180 days from the date of Class  
10 Certification Order

11 Deadline for Dispositive Motions: 30 days after close of discovery.

12 DATED this 11th day of October 2022.

13 Ravi Subramanian  
14 Clerk of Court

15 s/Sandra Rawski  
16 Deputy Clerk